

by providing for the introduction of new services and the enhancement of existing services. These new and enhanced services will create new jobs, foster economic growth, and improve access to communications by industry and the American public.

3. *Legal Basis:* The legal basis for these rule changes is found in Section 4(i), 303(g), 303(r), 309(j), 322(a), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(g), 303(r), 309(j) (332)(a), and 403 and Section 115(a) of the National Telecommunications and Information Administration Organization Act, 47 U.S.C. 925(a).

4. *Reporting, Recordkeeping, and Other Compliance Requirements:* The proposals under consideration in this Notice of Proposed Rulemaking may impose certain reporting and recordkeeping requirements on licensees and others utilizing this spectrum.

5. *Federal Rules Which Overlap, Duplicate or Conflict With these Rules:* None.

6. *Description, Potential Impact, and Number of Small Entities Involved:* Many small entities could be positively affected by this proposal because the proposal will provide for the introduction of new, competitive communications and will foster new technologies resulting in new jobs, economic growth, and improved access to communications by industry, including small entities. The full extent of the impact on small entities cannot be predicted until various issues raised in the proceeding have been resolved. After evaluating the comments filed in response to the Notice, the Commission will examine further the impact of all final rules in this proceeding on small entities and set forth its findings in the final Regulatory Flexibility Analysis.

7. *Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with the Stated Objectives:* This *Second Notice of Proposed Rule Making* solicits comments on a variety of alternatives, including as to how our licensing mechanism, service rules, and technical rules can be structured to serve a variety of needs.

8. *IRFA Comments:* The Commission requests written public comment on the foregoing Initial Regulatory Flexibility Analysis. Comments must have a separate and distinct heading designating them as responses to the IRFA and must be filed by the deadlines specified in the summary above.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AC22

Endangered and Threatened Wildlife and Plants; Notice of Six-Month Extension and Reopening of Public Comment Period on the Proposed Rule to List the Barton Springs Salamander as an Endangered Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension and reopening of comment period on proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the deadline to determine whether the Barton Springs salamander (*Eurycea sosorum*) is an endangered species is being extended for up to 6 months. The comment period on the proposal is reopened.

DATES: The new deadline for final action on the proposed listing of the Barton Springs salamander as an endangered species is August 17, 1995. The reopened comment period closes May 17, 1995.

ADDRESSES: Comments and materials concerning this proposal should be sent to the U.S. Fish and Wildlife Service, Austin Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Texas State Administrator, U.S. Fish and Wildlife Service, Ecological Services, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (telephone [512] 490-0057, fax [512] 490-0974).

SUPPLEMENTARY INFORMATION:

Background

The proposed rule to list the Barton Springs salamander as an endangered species was published on February 17, 1994 (59 FR 7968). The primary threat to this species is contamination of the waters that supply Barton Springs by potential catastrophic events and chronic degradation resulting from

urban activities. Also of concern are disturbances to the salamander's surface habitat (the waters in Barton Springs, Eliza Pool, and Sunken Garden Springs) and reduced groundwater supplies resulting from increased groundwater withdrawal.

The comment period on the proposed rule originally closed April 18, 1994. It was reopened May 26, 1994, and closed July 1, 1994. During the comment periods and subsequent to the close of comment on this proposal, the Service has received recommendations and information relevant to a final decision on the listing of the salamander. In order to adequately incorporate all available pertinent information in the deliberation leading to a decision and to ensure an opportunity for public comment on as complete an administrative record as possible, the deadline for final action on this proposal is being extended and the comment period reopened.

The Service has received several comments regarding the adequacy of search efforts to determine if the currently known distribution is restricted solely to the Barton Springs complex. Comments received from scientific experts refer to extensive search efforts in springs throughout a several-county area. However, a few caves were identified that may support the salamander, but that had not been adequately surveyed.

On September 19, 1994, the Barton Springs/Edwards Aquifer Conservation District submitted a report titled, Barton Springs/Edwards Aquifer Hydrogeology and Water Quality, to the Service. The report appears to contain significant new information regarding water quality throughout the Barton Springs/Edwards Aquifer system. Water quality data contained in this report may provide important information on the effects of existing and historical land use on water quality, and potential threats to the Barton Springs salamander. The Service considers it important that this report be entered into the record and made available for public comment before a final decision is made on the listing.

In October 1994 the Texas Parks and Wildlife Department appointed an Aquatic Biological Advisory Team specifically to consider the conservation and research needs of three species of *Eurycea*, including the Barton Springs salamander. The team will not report its findings and recommendations for several more months; the Service believes that this team's results should be considered in reaching a final listing decision.

In February 1995 the Governor of Texas requested that the Secretary of the

Interior delay final decision on the proposal for 6 months to provide the State an opportunity to take conservation measures for the salamander that would make federal listing unnecessary. The Texas Parks and Wildlife Department (TPWD) also supported an extension, indicated that all reasonable actions in support of conserving the species had not been exhausted, and expressed reservations concerning the documentation of the range of the species and threats to it. TPWD also expressed interest in using the extension to better ascertain the status of biological issues and to pursue State and local conservation options; the Service will welcome any assistance the State of Texas might provide toward these ends. The Act pays special deference to the views of the States in the listing of species, requiring that State identification of a species as in danger of extinction be considered in listing species under the Act (section 4(b)(1)(B)(ii)), that States be notified of proposed listings (section 4(b)(5)(A)(ii)), and that States be provided specific explanations of listing decisions that are counter to State recommendations (section 4(i)). The Service intends to further consider the possible relevance of State conservation efforts to the final listing decision.

The Endangered Species Act allows extension of the normal 1-year deadline for taking final actions on a proposal to list species for up to 6 months when there is a "substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination." The Service believes that the several unresolved issues enumerated above are directly relevant to the sufficiency and accuracy of the available data upon which a listing decision may be made and consequently is extending the deadline for a decision.

In order to allow full public comment on these issues as well as the proposed listing itself, the Service is reopening the comment period until May 17, 1995. Written comments should be submitted to the Service office in the Addresses section above. Comments submitted during previous comment periods will be considered and need not be resubmitted.

Author

The primary author of this notice is Sam D. Hamilton, Texas State Administrator, 10711 Burnet Road, Suite 301, Austin, Texas 78758.

Authority

The Authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: March 6, 1995.

(Notice: Extension of comment period on proposal to list Barton Springs salamander).

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 950301062-5062-01; I.D. 021695C]

RIN 0648-AH40

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Revise Product Recovery Rate for Pollock

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to revise the standard product recovery rate for pollock, deep skin fillets, and product code 24. The proposed revision is necessary to respond to new information on the current recovery rate achieved by the groundfish processing industry for this product type. This action is intended to further the objectives of the fishery management plans (FMPs) for the groundfish fisheries off Alaska.

DATES: Comments must be received at the following address by April 10, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel. Individual copies of the environmental assessment/regulatory impact review prepared for rulemaking establishing standard product recovery rates may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI) are managed by NMFS in accordance with the FMP for Groundfish of the Gulf of Alaska and the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands. The

FMPs were prepared by the North Pacific Fishery Management Council under the Magnuson Fishery Conservation and Management Act and are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620.

Regulations at §§ 672.20(j) and 675.20(k) establish standard product types and standard product recovery rates (PRR). This rule proposes to revise the pollock deep skin fillet PRR from the current standard of 0.13 to 0.16. It is based on results of 49 recovery tests conducted by NMFS-certified observers during the 1994 fishing year.

This test method calculated the ratio of the product weight of deep skin fillets to the round weight of a basket sample of pollock that had been weighed before processing. The tests used an aggregate of 315 metric tons (mt) of pollock deep skin fillets produced from 1,936 mt of round-weight pollock, yielding an average recovery rate of 0.16, with a range of 0.09 to 0.22. On average, NMFS has determined that a recovery rate of 0.13 is inaccurate and that a recovery rate of 0.16 best represents that achieved by the industry. The proposed revision is within the scope of issues addressed in the final rulemaking for standard product recovery rates set forth at §§ 672.20(j) and 675.20(k) as published in the **Federal Register** (59 FR 50699, October 5, 1994).

NMFS uses standard PRRs for each groundfish product to calculate fee assessments for purposes of funding the North Pacific Fisheries Research Plan (Research Plan), which is a program designed to pay for certified observers who collect information used for fishery conservation and management purposes. NMFS uses the best available information for specifying standard PRRs to calculate round weight equivalents for purposes of determining exvessel values of retained groundfish to assess Research Plan fees.

If the standard PRR of 0.13 were to remain unchanged, the impact on the Research Plan fee assessment program could have the following economic impacts. In 1994, 23,302 mt of pollock deep skin fillets were produced off Alaska. The round-weight equivalents of this amount are 179,246 mt and 145,638 mt, using a PRR of 0.13 and 0.16, respectively, which is a difference of 33,608 mt. Under the Research Plan, processors must pay a fee in an amount not to exceed 2 percent of the exvessel value of the round-weight equivalents of retained fish, including pollock, as defined in the final rule implementing the Research Plan (59 FR 46126,